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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,096

12/18/2006

Nils-Erik Anderberg

1907

8945

20676

7590

12/31/2008

ALFRED J MANGELS

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EXAMINER

HARTMANN, GARY S

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

12/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,096	<b>Applicant(s)</b> ANDERBERG, NILS-ERIK	
	<b>Examiner</b> Gary Hartmann	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutton et al. (6,526,615) in view of Thomas, Jr. (U.S. Patent 5,084,936).

Hutton discloses a telescoping boarding bridge (1) for connecting to an aircraft (10) having the claimed configuration (Figure 1a, for example). The bridge includes an inner part (2), rotunda (4), an outer part (6), cabin (8), drive means (64, for example) and wheels (68) arranged as claimed (Figure 2b, for example). There is also a rotatable ground mounted vertical pillar (not labeled, Figure 1b, for example); however, details regarding this pillar are not disclosed as the invention is directed elsewhere. Thomas teaches a rotunda mounted on a ground mounted vertical pillar which includes a lifting device (Figure 1, for example). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the pillar arrangement of Thomas as the pillar of Hutton in order to facilitate passenger movement between a plurality of levels of an adjacent structure, as taught by Thomas. Hutton does not teach the telescoping inner section; however, it is clear that as the elevation is changed, the effective length of the inner section must change (see location of joint 12 relative to part 16 in Figures 1b vs. 2b). A similar change in distance in Thomas is managed by a telescoping inner

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section (12). Given the addition of the lifting system of Thomas, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the telescoping inner section of Thomas in order to accommodate effective distance changes between the rotunda and first supporting structure.

Regarding claim 2, see Figures 2a and 2b.

Regarding claim 3, there is a force generating means (18) arranged as claimed (Figures 4a and 4b).

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, Jr. (U.S. Patent 5,084,936) in view of Hutton et al. (6,526,615).

Thomas discloses the rotunda and pillar configuration as discussed above, but teaches a different bridge arrangement. Hutton teaches the bridge arrangement as discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached the bridge arrangement of Hutton to the rotunda of Thomas in order to facilitate passenger movement between a terminal and an aft portion of the aircraft discussed by Hutton.

### ***Response to Arguments***

Applicant's arguments filed 15 October 2008 have been fully considered but they are not persuasive. Applicant has described the deficiencies of each of the relied upon references with respect to the claims; however, note that these references have not been relied upon as teachings for their respective deficiencies. Rather, each of the references has been used to demonstrate that the parts not expressly taught are well known in the art. As discussed in the rejection above, the horizontal distance between the rotunda and end of the first tunnel section must change as the

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angle of inclination varies in both of the relied upon references. Hutton and Thomas take different approaches to accommodating this change. The telescoping ability of Thomas meets claim recitations. Further, since Hutton discloses placing telescoping sections on the outer part, there is no patentable distinction to adding them to the inner part. Hutton also teaches the rotatable rotunda. Simply, there is no claimed structure which has been invented by applicant. Hutton and Thomas provide teachings that all parts are prior art and all that is required to meet claim recitations are simple reconfigurations which are well within ordinary skill.

Regarding arguments that there is no motivation to combine, note that the Supreme Court has stated “one skilled in the art is a person of creativity, not of automation and would be able to fit the teachings of multiple patents together like pieces of a puzzle,” set forth in *KSR International Co. v. Teleflex Inc. et al.* Hutton teaches the bridge, Thomas teaches the pillar and no major structural reconfiguration would be required to combine the two. Therefore, the combination would have been within ordinary skill.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary Hartmann/  
Primary Examiner, Art Unit 3671